

Reply to Office Action dated September 6, 2006

REMARKS

Claims 14-27, 36-37 and 40-51 are pending in the application. By this Amendment, the Abstract, the specification, and claims 14, 23-25, 36, and 43 are amended and claims 38-39 are cancelled without prejudice or disclaimer. No new matter is added. The specification has been amended to include the Continuation data. Support for the claims can be found throughout the specification, including the original claims and the drawings. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Examiner is thanked for the indication that claim 46 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claim. However, for the reasons set forth below, claim 46 has not been rewritten in independent form at this time.

The Office Action objected to the Abstract of the disclosure because of the inclusion of legal phraseology. The Abstract has been amended to delete the term "means" in response to the Examiner's comments. Accordingly, the objection should be withdrawn.

The Office Action objected to the disclosure because of informalities. The specification has been amended in response to the Examiner's comments. Accordingly, the objection should be withdrawn.

The Office Action objected to claims 24-25 under 37 CFR §1.75(c), as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 24-25 have been amended in response to the Examiner's comments. Accordingly, the objection should be withdrawn.

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The Office Action objected to claims 14-27 and 36-51 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. The rejection is respectfully traversed.

Element 145, shown in Figure 5, is a connecting duct which connects the outlet 142 of the filter 144/dust collecting unit 140 (and outlet hole 123 of dust-collecting cover portion 122) to the inlet 125 of the motor housing 160 (and inlet hole 125 of motor housing cover portion 124). See, for example, page 7, line 30-page 8, line 9. Element 146 is an inlet through which air is introduced into the vacuum cleaner. See, for example, page 9, lines 6-15 of the present application. Accordingly, the rejection should be withdrawn.

The Office Action objected to claims 22, 27, 44, and 51 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection is respectfully traversed.

Claims 22, 27, 44, and 51 are directed to any vacuum cleaner including the device of claims 14, 23, 36, and 45, respectively. Accordingly, the rejection should be withdrawn.

The Office Action rejected claims 23, 25-27, 36-40, 44-45, 47, and 51 under 35 U.S.C. §102(b) over Dyson, U.S. Patent No. 5,937,477. Claim 36 has been amended to include the features of claims 38-39, and claims 38-39 have been canceled. The rejection is respectfully traversed in so far as it applied to claims 23, 25-27, 36-37, 40, 44-45, 47, and 51.

Dyson discloses a vacuum cleaner 10 including a housing 12 having a base 14 and a cover 16, and containing a dust separating apparatus 22 for separating dirt and dust from an air flow,

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as well as a motor 24. However, there is no disclosure or suggestion in Dyson that the dust separating apparatus 22 is or includes a filtering device configured to create a downwardly swirling flow of suction air, wherein the suction air is received into an upper portion of the filtering device and flows downward, the suctioned air being discharged out of the vacuum cleaner through an outlet, as recited in independent claim 23. With respect to independent claim 36, Dyson does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within a canister, a first portion of the chamber serving as a collection chamber and a second portion of the chamber serving as a motor housing, wherein the first portion of the chamber is a rear portion of the vacuum cleaner and the second portion of the chamber is the front portion of the vacuum cleaner. That is, the dust separating apparatus 22 is disposed in a front portion of the housing 12, while the motor 24 is disposed in a rear portion of the housing 12. Further, Dyson does not disclose or suggest wherein a central longitudinal axis of the motor is oriented substantially vertically with respect to the upper and lower casings. Regarding independent claim 45, Dyson does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within the canister, a rear portion of the canister serving as a collection chamber and a front portion of the canister serving as a motor housing, as well as a motor located in the front portion of the chamber within the motor housing. As set forth above, the dust separating apparatus 22 is disposed in a front portion of the housing 12, while the motor 24 is disposed in a rear portion of the housing 12.

Accordingly, the rejection of claims 23, 36, and 45 over Dyson should be withdrawn. Dependent claims 25-27, 37, 40, 44, 47, and 51 are allowable over Dyson at least for the reasons

discussed above with respect to independent claims 23, 36, and 45, from which they respectively depend, as well as for their added features.

The Office Action rejected claims 36-39, and 44 under 35 U.S.C. §102(e) over Tingle, U.S. Patent No. 6,618,898. Claim 36 has been amended to include the features of claims 38-39, and claims 38-39 have been canceled. The rejection is respectfully traversed in so far as it applies to claims 36, 37, and 44.

Tingle discloses an animal waste vacuum comprising a main body 10, a lid 14, a waste bag 36 contained within the main body 10 and a vacuum motor 16 contained within the main body 10. However, with respect to independent claim 36, Tingle does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within a canister, a first portion of the chamber serving as a collection chamber and a second portion of the chamber serving as a motor housing, wherein the first portion of the chamber is a rear portion of the vacuum cleaner and the second portion of the chamber is the front portion of the vacuum cleaner. Rather, waste bag 36 is disposed in a front portion of the main body 10 and motor vacuum 16 is disposed in a rear portion of the main body 10. Accordingly, the rejection of independent claim 36 over Tingle should be withdrawn. Dependent claims 37 and 44 are allowable over Tingle at least for the reasons discussed above with respect to independent claim 36, from which they depend, as well as for their added features.

The Office Action rejected claims 36, 38-41, 44-45, 47-48, and 51 under 35 U.S.C. §102(b) over Andersson-Sason, U.S. Patent No. 3,089,177. Claim 36 has been amended to

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include the features of claims 38-39, and claims 38-39 have been canceled. The rejection is respectfully traversed insofar as it applies to claims 36, 40-41, 44-45, 47-48, and 51.

Andersson-Sason discloses a vacuum cleaner 10 comprising a housing 11, including a bottom part 13 and a top part 12, a dust collector or separator 20, and a motor fan unit 21. However, with respect to independent claim 36, Andersson-Sason does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within the canister, a first portion of the chamber serving as a collection chamber and a second portion of the chamber serving as a motor housing, wherein the first portion of the chamber is a rear portion of the vacuum cleaner and the second portion of the chamber is a front portion of the vacuum cleaner. Rather, the dust collector or separator 20 disclosed by Andersson-Sason is positioned in a front portion of the housing 11 while the motor fan unit 21 is disposed in a rear portion of the housing 11. Regarding independent claim 45, Andersson-Sason does not disclose or suggest a canister formed by a lower casing and an upper casing to form a chamber within the canister, a rear portion of the canister serving as a collection chamber and a front portion of the canister serving as a motor housing, as well as a motor located in the front portion of the chamber within the motor housing. Again, the dust collector or separator 20 is disposed in the front portion of the housing 11 disclosed by Andersson-Sason and the motor fan unit 21 is disposed in a rear portion of the housing 11.

Accordingly, the rejection of independent claims 36 and 45 over Andersson-Sason should be withdrawn. Dependent claims 40-41, 44, 47-48, and 51 are allowable over Andersson-Sason

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at least for the reasons discussed above with respect to independent claims 36 and 45, from which they respectively depend, as well as for their added features.

The Office Action rejected claims 14-20, 22, 42, 49, and 51 under 35 U.S.C. §103(a) over Andersson-Sason in view of Figure 2 of the present application. The rejection is respectfully traversed.

In the rejection, the Examiner refers to Figure 4, element 14 of Andersson-Sason as corresponding to the claimed cover. However, element 14 does not directly cover and protect the motor housing. Accordingly, independent claim 14 defines over Andersson-Sason. Figure 2 of the present application fails to overcome the deficiencies of Andersson-Sason, as it merely cited for allegedly teaching placement of a damper in the cover of a housing. Accordingly, the rejection of independent claim 14 over Andersson-Sason and Figure 2 of the present application should be withdrawn. Dependent claims 15-20, and 22 are allowable over Andersson-Sason and Figure 2 of the present application at least for the reasons discussed above with respect to independent claim 14, from which they depend, as well as for their added features. Further, claims 42, 49, and 51 are allowable over Andersson-Sason at least for the reasons discussed above with respect to independent claims 36 and 45, from which they respectively depend, as well as for their added features.

The Office Action rejected claim 21 under 35 U.S.C. §103(a) over Andersson-Sason in view of Figure 2 of the present application as applied to claim 14, and further in view of EP0344136. The rejection is respectfully traversed.

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Dependent claim 21 is allowable over Andersson-Sason and Figure 2 of the present application for the reasons discussed above with respect to independent claim 14, from which it depends, as well as for its added features. EP0344136 fails to overcome the deficiencies of Andersson-Sason and Figure 2 of the present application, as it is merely cited for allegedly teaching a pressure sensor in an upper wall of the motor housing. Accordingly, the rejection of claim 21 over Andersson-Sason and Figure 2 of the present application should be withdrawn.

The Office Action rejected claim 24 under 35 U.S.C. §103(a) over Dyson in view of Yung, U.S. Patent No. 6,484,350. The rejection is respectfully traversed.

Claim 24 is allowable over Dyson at least for the reasons discussed above with respect to independent claim 23, from which it depends, as well as for its added features. Yung fails to overcome the deficiencies of Dyson, as it is merely cited for allegedly teaching a filtering device that separates air due to gravity. Accordingly, the rejection of claim 24 over Dyson and Yung should be withdrawn.

The Office Action rejected claims 43 and 50 under 35 U.S.C. §103(a) over Andersson-Sason in view of EP0344136. The rejection is respectfully traversed.

Claims 43 and 50 are allowable over Andersson-Sason at least for the reasons discussed above with respect to independent claims 36 and 45, from which they respectively depend, as well as for their added features. EP0344136 fails to overcome the deficiencies of Andersson-Sason, as it is merely cited for allegedly teaching a pressure sensor on the cover. Accordingly, the rejection of claims 43 and 50 over Andersson-Sason and EP0344136 should be withdrawn.

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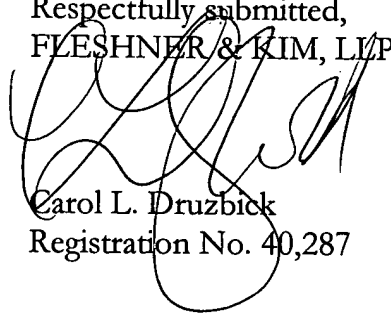
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CONCLUSION

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carol L. Druzbeck**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP


Carol L. Druzbeck
Registration No. 40,287

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 CLD/krf

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Please direct all correspondence to Customer Number 34610